

REMARKS

Claims 1-41 are pending in the application. Claims 1, 38, and 39 are independent claims. Claims 1-19 and 22-41 stand rejected. Assignee traverses the instant claim rejections. The office action indicated that claims 20 and 21 are objected to and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Assignee has amended claims 1, 10, 11, and 12 to avoid any potential for ambiguity by replacing the term “operable” with alternate terms (i.e., “executable” or “configured”).

Examiner's Interview

Assignee's representatives would like to thank examiner Kyle Stork for the courtesies extended to assignee's representatives (Timothy Wilson, Gary Kuhn, Adrienne Hunacek, and John Biernacki) during the telephone interview on June 13, 2008. The interview discussed the second and third paragraphs of page 3 of the office action and the remarks in these paragraphs about the Maxwell reference. Assignee noted that claim 1 requires that client-side instructions perform the visual modification of the form. The interview also discussed the fourth paragraph of page 3 of the office action and the remarks in this paragraph about the Fong reference allegedly disclosing the highlighting of a selection made by a user upon a data item. The rejection of the independent claim 38 was also discussed. The remarks and the amendments contained herein further summarize the interview.

Claim Rejections - 35 U.S.C. § 103

Independent claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Maxwell et al. (U.S. publication number 2003/0188262) and further in view of Fong et al. (U.S. patent number 5,987,231). This rejection is traversed.

Claim 1 is directed to client-side computer instructions for use in collecting data from a user. More specifically, the client-side computer instructions visually modifies the form in response to data collected from the user through the form, so as to highlight a selection made by the user. To further assist the user, the client-side computer instructions provide a visual indication that a data item is complete after the user has provided information required by the data item.

As support in assignee's specification and as a non-limiting example, figure 7 in assignee's specification shows a list of options that are directed to a question of what best describes a building in which a user might be interested. In figure 7, the user has selected the seventh data item "A building with 10 to 19 apartments." In response to the user's selection, the selection is highlighted by boldfacing the text associated with the seventh data item. Furthermore in figure 7, a check mark is provided as shown by reference 306 as a visual indication that a data item is complete after the user has provided information required by the data item.

As discussed above, claim 1 requires that operations are performed by client-side instructions – that is, the operations are performed without having to go to a server. Such operations performed by client-side instructions in claim 1 include visually modifying the form. Claim 1 has been amended to emphasize that this is done *in response* to data collected from the user through the form. Additionally, claim 1 recites that the client-side

instructions highlight a selection (made by the user upon a data item in the form). The office action cited to column 2, line 52-column 3, line 5 of Fong as disclosing this feature of claim 1. This passage from Fong reads as follows (emphasis added):

Alternatively, any other way of defining data entry spaces (or data entry windows) can be used.

The data entry spaces, either lines or windows, having been identified as noted above, can be automatically *highlighted* on the display, e.g. by bordering, by shading, by color, etc., *to cause easier visual identification when the form is to be filled in*. The entire form, and data entry space coordinate data and highlight style parameters can be saved in a file. The file can be called up later to accept data entry, or the form can be filled in at this stage.

The user then proceeds to enter data in the entry spaces shown on the display, step E. When data is entered, e.g. by keyboard, by cut and paste from another application, etc., the computer then recognizes the entry locations by noting the entry coordinates and by comparing against the stored coordinates. The entered data can then either be stored in separate memory locations, with the entry coordinates (eventually to be stored in a file, if desired), or can overwrite the memory at the locations storing the pixel data within the entry window, and subsequently be stored, step F. By recognizing the data entry locations, the computer can display the entered data on the computer display.

This passage from Fong discloses that before a user is to complete a form, the data entry spaces to be completed can be highlighted. This is the exact opposite of what is required in claim 1 -- namely, the highlighting performed in claim 1 is in response to a selection of a data item by the user, whereas the highlighting disclosed in the passage of Fong occurs prior to the user completing a data entry space.

Because none of the cited references (whether considered alone or in combination with each other) disclose such features of claim 1, claim 1 is allowable and should proceed to issuance.

Independent claims 38 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maxwell and further in view of Fong and further review of Chaloux (U.S. publication number 2003/0065641) and further in view of Balz (U.S. publication number 2005/0086587) and further in view of Shirley (U.S. application number 2004/0034554). These rejections are traversed.

Claims 38 and 39 require that operations upon a form are performed by client-side instructions – that is, the operations are performed without having to go to a server. These claims also require that a selection (made by the user in the form) is highlighted. None of the cited references, including the additional references cited against claims 38 and 39 (i.e., the Chaloux, Balz, and Shirley references) disclose such features. Additionally, assignee respectfully disagrees with other positions in the office action with respect to these claims. For example, claims 38 and 39 require that in response to selection of an option, one or more dependent questions are rendered visible on the form. As support in assignee's specification and as a non-limiting example, figures 8 and 9 in assignee's specification illustrate making visible dependent questions on a form. In figure 8, the user has selected option 320 from list 300. The selection of this option 320 reveals dependencies 322, 324, 326 on the form. Option 320 is directed to a one-family house detached from any other house option. The dependent items (322, 324, 326) constitute a secondary set of questions on acreage and usage. They appear as a subset within the primary item, and the primary item is not considered completed until the dependent items (322, 324, 326) are completed by the user. As shown in figure 9, once the dependent questions are completed as shown by indicators (340, 342, 244), the primary item is finally considered completed and is marked as such at 350.

As discussed in the interview, none of the cited references disclose that, in response to selection of an option, one or more dependent questions are rendered visible on the form and then a visual indication is provided upon completion. For this additional reason, claims 38 and 39 are allowable and should proceed to issuance.

Assignee at this time has not provided arguments in support of the patentability of the dependent claims. It is respectfully submitted that because the independent claims are now in condition for allowance, the dependent claims which depend directly or indirectly therefrom are also in condition for allowance. However, assignee reserves the right to argue the patentability of certain of the dependent claims in the instant application at a future time, should that become necessary.

CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

Dated: June 18, 2008

By: 

John V. Biernacki
Reg. No. 40,511
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939